

REMARKS/ARGUMENTS

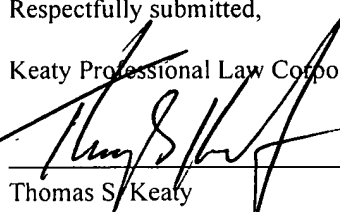
This is a response to the Office Action of August 10, 2004. Claims 1-10 and 21-25 are pending in the application. Claims 3, 4, and 6 were rejected under 35 U.S.C. 112, second paragraph. The applicant made the necessary amendments in Claims 3, 4, and 6 to overcome the rejection and to place all claims in condition for allowance.

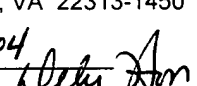
Claims 1-10 and 21-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-10 of U.S. patent No. 6,722,592. The applicant submits herewith a Terminal Disclaimer to obviate the double-patenting rejection. The Patent Office is authorized to charge the required fees to Deposit Account No. 11-0260 of the undersigned.

It is believed that all issues have been resolved and issuance of an early Notice of Allowance is respectfully requested.

Respectfully submitted,

Keaty Professional Law Corporation


Thomas S. Keaty
Registration No. 27,038
Suite 2140 World Trade Center
#2 Canal Street
New Orleans, Louisiana 70130
(504) 524-2100
Attorney for Applicant

<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:</p> <p align="center">Assistant Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>On: <u>9/1/04</u></p> <p>By: <u></u> Debra Horn</p>

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application is continuation of my co-pending application Serial No. 10/152,764, filed on May 21, 2002 entitled "Apparatus for Removing Frangible Objects from a Container," now patent No. 6,722,592, the full disclosure of which is incorporated by reference herein.